

PART A

AGENCY RESPONSE LETTERS

Kentucky Division of Water – 10/19/04

Kentucky Division of Forestry – 11/3/04

Natural Resource Conservation Service – 10/6/04

U. S. Fish and Wildlife Service – 11/10/04

Kentucky Department of Fish and Wildlife Resources – 11/24/04

Kentucky State Nature Preserves Commission – 10/27/04

ERNIE FLETCHER
GOVERNOR



LAJUANA S. WILCHER
SECRETARY

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT, KY 40601

October 19, 2004

Laura Robison
Redwing Ecological Services, Inc.
129 South Sixth Street
Louisville, KY 40202

RE: Special Use Waters, Southside Drive
Widening, Jefferson County

Dear Ms. Robison:

The Water Quality Certification Section of the Kentucky Division of Water (KDOW) has received your request for information regarding the presence or absence of any Outstanding State Resource Waters (OSRW) or Wild Rivers within the proposed project area. Based on the location information provided, there are no special use waters within the proposed project area.

If you have any other questions, please feel free to contact me at 502/564-3410.

Sincerely,

A handwritten signature in cursive script that reads "Jenni Garland".

Jenni Garland, Environmental Biologist
Water Quality Certification Section

JMG:mw



ERNIE FLETCHER
GOVERNOR

LAJUANA S. WILCHER
SECRETARY



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF FORESTRY
LEAH W. MACSWORDS, DIRECTOR

November 3, 2004

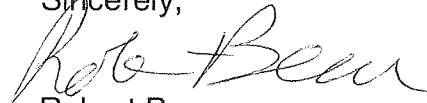
Redwing Ecological Services, Inc.
c/o Laura A. Robison & Kiersten R. Fuchs
129 South Sixth Street
Louisville, KY 40202

Dear Ms. Robison & Ms. Fuchs,

This letter is in response to your letter of October 4, 2004, requesting information on state champion trees that may be located in the Southside Drive widening project area, Redwing Project 04-041. I am unaware of any champion trees in the project area. I did drive by the area and noted several mature pin oak trees, but none of these were unusually large.

If I can be of any further assistance please let me know. I may be reached at the Division of Forestry's Central District office at (270) 766-5010.

Sincerely,


Robert Bean
Chief Forester



Chrysler Bldg., Suite 100-A
4233 Bardstown Road
Louisville, KY 40218-3280

Telephone: (502) 499-1900
FAX: (502) 499-1748

October, 6, 2004

Kiersten Fuchs
Redwing Ecological Services, Inc.
129 South Sixth St.
Louisville, KY 40202

RE: Southside Drive Widening – Jefferson County, Kentucky

Dear Ms. Fuchs:

Enclosed are three copies of the Farmland Conversion Impact Rating for the Southside Drive Widening Project. The project area does not contain any prime or unique farmlands along the on-mile corridor. This project will not have an impact on the loss of prime or unique farmland in the county.

Sincerely,

KURT D. MASON, CPESC
District Conservationist

U.S. Department of Agriculture

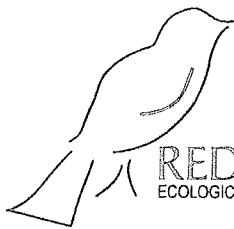
FARMLAND CONVERSION IMPACT RATING

| | | | |
|---|-------------------|---|--|
| PART I (To be completed by Federal Agency) | | Date Of Land Evaluation Request 10/4/04 | |
| Name Of Project Southside Drive Widening | | Federal Agency Involved Louisville Metro Dept of Public Works, KYTC | |
| Proposed Land Use Road widening | | County And State Jefferson County, Kentucky | |
| PART II (To be completed by NRCS) | | Date Request Received By NRCS 10-5-04 | |
| Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form). | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Major Crop(s) Corn & Soybeans | | Farmable Land In Govt. Jurisdiction Acres: 118,674 % 49.4 | Acres Irrigated <input checked="" type="checkbox"/> Average Farm Size 82 |
| Name Of Land Evaluation System Used NRCS - JEFFERSON | | Name Of Local Site Assessment System NONE | Amount Of Farmland As Defined in FPPA Acres: 97,852 % 40.8 |
| | | Date Land Evaluation Returned By NRCS | |
| PART III (To be completed by Federal Agency) | | Alternative Site Rating | |
| | | Site A | Site B Site C Site D |
| A. Total Acres To Be Converted Directly | | 0.0 | |
| B. Total Acres To Be Converted Indirectly | | 0.0 | |
| C. Total Acres In Site | | 0.0 | 0.0 0.0 0.0 |
| PART IV (To be completed by NRCS) Land Evaluation Information | | | |
| A. Total Acres Prime And Unique Farmland | | | |
| B. Total Acres Statewide And Local Important Farmland | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | | | |
| PART V (To be completed by NRCS) Land Evaluation Criterion | | | |
| Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points) | | 0 | 0 0 0 |
| PART VI (To be completed by Federal Agency) | | | |
| Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b)) | Maximum Points | | |
| 1. Area In Nonurban Use | | | |
| 2. Perimeter In Nonurban Use | | | |
| 3. Percent Of Site Being Farmed | | | |
| 4. Protection Provided By State And Local Government | | | |
| 5. Distance From Urban Builtup Area | | | |
| 6. Distance To Urban Support Services | | | |
| 7. Size Of Present Farm Unit Compared To Average | | | |
| 8. Creation Of Nonfarmable Farmland | | | |
| 9. Availability Of Farm Support Services | | | |
| 10. On-Farm Investments | | | |
| 11. Effects Of Conversion On Farm Support Services | | | |
| 12. Compatibility With Existing Agricultural Use | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 0 | 0 0 0 |
| PART VII (To be completed by Federal Agency) | | | |
| Relative Value Of Farmland (From Part V) | 100 | 0 | 0 0 0 |
| Total Site Assessment (From Part VI above or a local site assessment) | 160 | 0 | 0 0 0 |
| TOTAL POINTS (Total of above 2 lines) | 260 | 0 | 0 0 0 |
| Site Selected: | Date Of Selection | Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Reason For Selection: | | | |

(See Instructions on reverse side)

This form was electronically produced by National Production Services Staff

Form AD-1006 (10-83)



REDWING
ECOLOGICAL SERVICES, INC.

129 South Sixth Street • Louisville, Kentucky 40202 • Phone 502.625.3009 • Fax 502.625.3077

OCT 05 2004

38.1507
- 85.7672
LOUISVILLE West

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

October 4, 2004

Mr. Virgil Lee Andrews, Jr.
Field Supervisor
U. S. Fish and Wildlife Service
3761 Georgetown Road
Frankfort, Kentucky 40601

Virgil Lee Andrews 11/10/04
Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

Subject: **Request for Information on Protected Species
Southside Drive Widening
Jefferson County, Kentucky
Redwing Project 04-041**

Dear Mr. Andrews:

The Louisville Metro Department of Public Works is proposing the widening of Southside Drive from New Cut Road to Strawberry Lane in Jefferson County, Kentucky. The purpose of this letter is to request information regarding protected species, or their critical habitat, for the project area. The project includes the one-mile-long Southside Drive corridor, as shown on the enclosed 7.5 minute topographic quadrangle map. Any specific comments or concerns that you may have about this project would be appreciated.

If you have any further questions, please feel free to contact Kiersten Fuchs or Laura Robison at (502) 625-3009. Thank you very much for your assistance.

Sincerely,

Laura Robison

Laura A. Robison
Staff Biologist

Kiersten R. Fuchs

Kiersten R. Fuchs
Principal
Senior Wildlife Biologist

File: 04-041/USFWSsouthside

Cc: Mr. Ray Robison – Skees Engineering, Inc. (2 copies)

Enclosure: Site Location Map



ERNIE FLETCHER
GOVERNOR

COMMERCE CABINET
DEPARTMENT OF FISH & WILDLIFE RESOURCES
#1 GAME FARM ROAD
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-3400 FAX (502) 564-0506
(800) 858-1549
www.kentucky.gov

W. JAMES HOST
SECRETARY, COMMERCE CABINET

C. TOM BENNETT
COMMISSIONER

November 24, 2004

Kiersten R. Fuchs
Redwing Ecological Services, Inc.
129 South Sixth Street
Louisville, Kentucky 40202

RE: Threatened/endangered species, critical habitat review, and potential environmental impacts associated with the widening of Southside Drive in Jefferson County, KY.
Redwing Project 04-041

Dear Ms. Fuchs:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System (KFWIS) indicates that federally threatened and endangered species are known to occur within a 10 mile radius of the project and state threatened and endangered species are known to occur within a 2 mile radius of the project (see attached lists). Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

Based on this information, KDFWR makes the following recommendations:

- Indiana bats form maternity colonies and roost under the bark of trees in both riparian and upland areas. Therefore, disturbance of trees with exfoliating bark, dead limbs, or cavities should be avoided during the time of year when Indiana bats are active. A survey along the project area should be conducted to determine if suitable summer roost trees would be impacted by the proposed project.
- To minimize impacts to mussels and bat foraging areas strict erosion control measures should be developed and implemented prior to construction to minimize siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed.

For more information on how to proceed with the threatened/endangered species surveys please contact the US Fish and Wildlife Service Kentucky Field Office at (502) 695-0468 or this office at (502) 564-7109 Extension 366.

KDFWR recommends that you contact the appropriate US Army Corps of Engineers office and the Kentucky Division of Water prior to any work within the waterways or wetland habitats of Kentucky. Additionally, KDFWR recommends the following for the portions of the project that crosses intermittent or perennial streams:

- Channel changes located within the project area should incorporate natural stream channel design.
- Development/excavation during low flow period to minimize disturbances.
- Proper placement of erosion control structures below highly disturbed areas to minimize entry of silt to the stream.
- Replanting of disturbed areas after construction, including stream banks and Right-of-Ways, with native vegetation for soil stabilization and enhancement of fish and wildlife populations.
- Return all disturbed instream habitat to its original condition upon completion of construction in the area.
- Preservation of any tree canopy overhanging the stream.
- Return all right-of-ways to original elevation.

I hope this information proves helpful to you. If you have any questions or require additional information, please call me at (502) 564-7109 Extension 366.

Sincerely,



Doug Dawson
Wildlife Biologist III

Attachments

Cc: Environmental Section File

Federal T & E Species within a 10 Mile Radius of the Project Site

| <u>Scientific Name</u> | <u>Common Name</u> | <u>Quad Name</u> | <u>County Name</u> | <u>Federal Status</u> |
|-------------------------------------|-----------------------|------------------|--------------------|-----------------------|
| <i>Alosa alabamae</i> | ALABAMA SHAD | | JEFFERSON | C |
| <i>Pleurobema clava</i> | CLUBSHELL | | JEFFERSON | LE,XN |
| <i>Pleurobema clava</i> | CLUBSHELL | | BULLITT | LE,XN |
| <i>Pleurobema clava</i> | CLUBSHELL | Brooks | BULLITT | LE,XN |
| <i>Pleurobema clava</i> | CLUBSHELL | New Albany | JEFFERSON | LE,XN |
| <i>Cyprogenia stegaria</i> | FANSHELL | | JEFFERSON | LE |
| <i>Cyprogenia stegaria</i> | FANSHELL | New Albany | JEFFERSON | LE |
| <i>Potamilus capax</i> | FAT POCKETBOOK | Jeffersonville | JEFFERSON | LE |
| <i>Myotis grisescens</i> | GRAY MYOTIS | | BULLITT | LE |
| <i>Myotis grisescens</i> | GRAY MYOTIS | | JEFFERSON | LE |
| <i>Myotis sodalis</i> | INDIANA BAT | | BULLITT | LE |
| <i>Myotis sodalis</i> | INDIANA BAT | | JEFFERSON | LE |
| <i>Sterna antillarum athalassos</i> | INTERIOR LEAST TERN | New Albany | JEFFERSON | LE |
| <i>Plethobasus cooperianus</i> | ORANGEFOOT PIMPLEBACK | | JEFFERSON | LE |
| <i>Plethobasus cooperianus</i> | ORANGEFOOT PIMPLEBACK | New Albany | JEFFERSON | LE |
| <i>Falco peregrinus</i> | PEREGRINE FALCON | Jeffersonville | JEFFERSON | PS:LE |
| <i>Falco peregrinus</i> | PEREGRINE FALCON | New Albany | JEFFERSON | PS:LE |
| <i>Obovaria retusa</i> | RING PINK | | JEFFERSON | LE |
| <i>Obovaria retusa</i> | RING PINK | New Albany | JEFFERSON | LE |

State T & E Species within a 2 Mile Radius of the Project Site

Scientific Name

Common Name

Quad Name

County Name

KSNPC Status

Clonophis kirtlandii

KIRTLAND'S SNAKE

Louisville West JEFFERSON T

Donald S. Dott, Jr.
Director



Ernie Fletcher
Governor

Commonwealth of Kentucky
Kentucky State Nature Preserves Commission
801 Schenkel Lane
Frankfort, Kentucky 40601-1403
502-573-2886 Voice
502-573-2355 Fax

October 27, 2004

Laura A. Robison
Redwing Ecological Services, Inc.
129 South Sixth Street
Louisville, KY 40202

Data Request 05-022

Dear Ms. Robison:

This letter is in response to your data request of October 5, 2004 for the Southside Drive Widening Project (Jefferson County) project. We have reviewed our Natural Heritage Program Database to determine if any of the endangered, threatened, or special concern plants and animals or exemplary natural communities monitored by the Kentucky State Nature Preserves Commission occur near the project area on the Louisville West USGS Quadrangle, as shown on the map provided. Based on our most current information, we have determined that five occurrences of the plants or animals and no occurrences of the exemplary natural communities that are monitored by KSNPC are reported as occurring near the specified area. Please see the attached report for more information.

Kirtland's snake (*Clonophis kirtlandii*, KSNPC Threatened) formerly inhabited moist, grassy meadows and margins of wetlands in the southern and western portions of Jefferson County. Today the species persists in relict populations in minimally to moderately disturbed areas, mostly along stream drainages, but also in higher spots relatively far from streams. These snakes are regularly encountered in residential areas, mostly in grassy strips in floodplains, vacant lots, and similar sites where they find refuge beneath debris and in crayfish burrows. Disturbance, most notably heavy construction, in these habitats can potentially impact populations of the species.

Myotis sodalis (Indiana myotis, federally listed endangered, KSNPC endangered) is known to occur in Jefferson County as well as *Myotis grisescens* (Gray myotis, federally listed endangered, KSNPC endangered), which has been observed within ten miles of the project area. A thorough survey for these species should be conducted by a qualified biologist if suitable habitat will be disturbed. The survey should include a search for potential roost and winter sites, and a mistnetting census at numerous points within the proposed corridor, particularly in preferred summer habitat.

Summer foraging habitats include upland forests, bottomland forests and riparian corridors. Suitable roost and winter sites include sandstone and limestone caves, rockhouses, cliffhills, auger holes, and abandoned mines. In order to avoid impacts to bats, bottomland forests and riparian corridors, particularly near caves, should not be disturbed.

Orconectes jeffersoni (Louisville crayfish, KSNPC endangered) occurs near this project. This species is globally ranked as critically imperiled because it is endemic to several drainages in urban areas of Jefferson, Bullitt and Oldham counties, Kentucky. Aquatic species in the area are sensitive to increased turbidity, sediment and other adverse influences on water quality. Our data are not sufficient to guarantee absence of endangered, threatened or sensitive species from the sites of proposed construction disturbance. We recommend that impacted streams be thoroughly surveyed by a qualified biologist prior to any in-stream disturbance.

Please note that the vast majority of occurrences for aquatic organisms are from 1966 or earlier. This segment of the river has been severely impacted by pollutants from Louisville and upriver. Although river quality is improving many if not all of these organisms apparently have been extirpated from the area.

I would like to take this opportunity to remind you of the terms of the data request license, which you agreed upon in order to submit your request. The license agreement states "Data and data products received from the Kentucky State Nature Preserves Commission, including any portion thereof, may not be reproduced in any form or by any means without the express written authorization of the Kentucky State Nature Preserves Commission." The exact location of plants, animals, and natural communities, if released by the Kentucky State Nature Preserves Commission, may not be released in any document or correspondence. These products are provided on a temporary basis for the express project (described above) of the requester, and may not be redistributed, resold or copied without the written permission of the Kentucky State Nature Preserves Commission's Data Manager (801 Schenkel Lane, Frankfort, KY, 40601. Phone: (502) 573-2886).

Please note that the quantity and quality of data collected by the Kentucky Natural Heritage Program are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Kentucky have never been thoroughly surveyed, and new plants and animals are still being discovered. For these reasons, the Kentucky Natural Heritage Program cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Kentucky. Heritage reports summarize the existing information known to the Kentucky Natural Heritage Program at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. We would greatly appreciate receiving any pertinent information obtained as a result of on-site surveys.

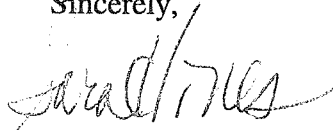
Data Request 05-022

October 27, 2004

Page 3

If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara Hines".

Sara Hines
Data Manager

SLD/SGH

Enclosures: Data Report and Interpretation Key

Data Key for Element and Occurrence Reports (v. 3.98)
Kentucky State Nature Preserves Commission
Natural Heritage Program Data Services

Many of the data fields on the enclosed report are easily understood. Other fields, however, use abbreviations and formats that are not always self-explanatory. A key to these fields follows. Your report may contain some or all of the following data fields.

| | |
|-------------|--|
| BEARING: | Bearing in degrees from a center point to an occurrence's latitude and longitude. This field is masked for sensitive occurrences; contact KSNPC in these cases. Omitted for G, U, and Q precision occurrence records. |
| BESTSOURCE: | Best available reference to the occurrence: literature citation, collector, collection number, museum or herbarium code, etc. |
| COMMENTS: | Additional information about the occurrence including identification, taxonomy, or date of occurrence. |
| DIRECTIONS: | Directions to an occurrence. This field is masked for sensitive occurrences; contact KSNPC in these cases. |
| DISTANCE: | Distance from a center point to an occurrence's latitude and longitude. Units coded as M (miles), K (kilometers), and F (feet). This field is masked for sensitive occurrences; contact KSNPC in these cases. Omitted for G, U, and Q precision occurrence records. |
| ELCODE: | Element (species) code. |
| EOCODE: | Element (species) code, occurrence number (last three digits), and state. |
| EODATA: | Occurrence population data: date of observation, number of individuals, health, size of colony, flowering data, etc. |
| EORANK: | Judgement of occurrence quality: A = excellent, B = good, C = marginal, D = poor, E = verified extant but quality not judged, O = obscure (not found at reported site but more searching needed), H = historically known from site but no known observation or collection since 1975, X = extirpated from site. |
| FIRSTOBS: | Year of first known observation or collection. |
| GENDESC: | Description of an occurrence's habitat. |
| GRANK: | Estimate of element abundance on a global scale: G1 = extremely rare, G2 = rare, G3 = uncommon, G4 = common, G5 = very common, GH = historically known and expected to be rediscovered, GU = uncertain, GX = extinct. Subspecies and variety abundances are coded with a 'T' suffix; the 'G' portion of the rank then refers to the entire species. |
| HABITAT: | General description of the element's habitat across its range. |
| IDENT: | Whether the identification has been checked by a reliable individual and is believed to be correctly identified: Y = identification confirmed and believed correct, N = No, identification determined to be wrong despite reports to the contrary, ? = Whether identification is correct or not is confusing or disputed, blank or U = unknown whether identification correct or not, assumed correct. |
| KSNPC: | Kentucky State Nature Preserves Commission status: N or blank = none, E = endangered, T = threatened, S = special concern, H = historic, X = extirpated. |
| LASTOBS: | Year(-month-date) of most recent known observation or collection. |
| LAT: | Latitude. This field is masked for sensitive occurrences; contact KSNPC in these cases. Omitted for G, U and Q precision occurrences. |
| LONG: | Longitude. This field is masked for sensitive occurrences; contact KSNPC in these cases. Omitted for G, U and Q precision occurrences. |
| MAP NUMBER: | Number used to location the element on KSNPC Heritage maps. |
| MARGNUM: | See MAP NUMBER. |
| PREC: | See PRECISION. |
| PRECISION: | Precision of the latitude, longitude, directions, and plotted location: S = location accurate to within three seconds of latitude-longitude, M = location accurate to within one minute of latitude-longitude, G = precision within about 8 km or 5 miles, or to place |